

ARGUMENTS/REMARKS

After the foregoing Amendment, claims 21-27 are currently pending in this application. Claims 1-20 have been canceled without prejudice. New claims 21-27 have been added.

Examiner Interview

The Examiner is thanked for granting an interview with the Applicant's/Applicants' representative on November 28, 2007. During the interview, new claims 21-27 and the references of record were discussed.

Claim Rejections - 35 USC § 112

Claims 1-2 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In view of the claim amendments, the rejection of claims 1-2 is now moot.

Double Patenting Rejection

Claims 1-2 are rejected under the judicially created doctrine of non-statutory obviousness-type double patenting as being unpatentable over claim 16 of U.S.

Patent No. 6,798,759. In view of the claim amendments, the rejection of claims 1-2 is now moot.

Claim Rejections

Claims 3, 4, 12, and 13 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 5,671,218 to I (hereinafter "I"). In view of the claim amendments, the rejection of claims 1-2 is now moot.

Claims 7, 10, 16, and 19 stand rejected under 35 USC §103(a) as being unpatentable over I in view of U.S. Patent No. 5,442,625 to Gitlin (hereinafter "Gitlin"). In view of the claim amendments, the rejection of claims 1-2 is now moot.

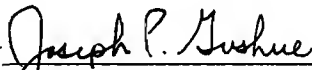
I and Gitlin, either alone or in combination, fail to disclose a subscriber unit having a "circuit" and an "antenna configured to receive power control information which is time division multiplexed onto a physical channel with signaling information, the circuit being configured to adjust a power level associated with at least one of the first and second channels in accordance with the power control information" as recited in claim 21. Additionally, I and Gitlin do not disclose first and second channels of differing data rates.

Applicants: Fatih M. Ozluturk
Application No.: 10/810,007

Reconsideration and entry of this amendment is respectfully requested.

Respectfully submitted,

Fatih M. Ozluturk

By 
Joseph P. Gushue
Registration No. 59,819

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103
Telephone: (215) 568-6400
Facsimile: (215) 568-6499

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Enclosure(s)